

Continental Divide Project in RH 8

Frequently Asked Questions

Purpose of FAQ:

This *Frequently Asked Questions* document was created to respond to the community's concerns about the proposed redevelopment at the northwest corner of NE 85th Street and 132nd Avenue NE, also known as the Continental Divide mixed use project.

Many community members attended the Design Review Board (DRB) meeting on July 2nd for the review of the proposed Continental Divide mixed use project. Attendees raised a number of concerns related to the current zoning for the site, 2015 zoning amendments, traffic impacts, and construction impacts. Because the authority of the Design Review Board is limited by law to reviewing projects for compliance with the City's Design Guidelines, staff offered to arrange an informal meeting where we could spend more time discussing these issues that are not related to the DRB authority. Staff hosted a community meeting on July 19th to better understand community concerns and to start to respond to questions raised. Because the meeting did not provide enough time to respond in depth to the questions, staff offered to provide this FAQ as a means of responding in more detail about project concerns.

Project Description:

Continental Divide has proposed to construct a four story mixed use building. The main building will have a single story commercial space along NE 85th Street and transition to 3 stories of residential units above a parking level. A single story commercial building will be located near NE 85th Street. The preliminary plans call for a total of 134 residential units and 7,378 square feet of commercial space.

Zoning and Development Regulations

1. What guidelines are there for the types of businesses that would be allowed in the RH 8 zone?

The property is located in the Rose Hill 8 business district. The regulations for the RH 8 zone establish what uses are allowed. Allowed uses include office (general, medical, dental or veterinary), restaurant, recreational facility (gym, yoga, etc.), or retail (subject to size and location limitations). The City does not regulate types of retail uses except for marijuana retail, which is subject to the requirements of Kirkland Zoning Code (KZC) Section 115.155.

2. How will the City address noise impacts from the project – both during construction and on completion?

Construction activities will be limited to 7am to 8pm on weekdays, 9am to 6pm on Saturdays and no work would be allowed on Sundays.

Following construction, noise would be regulated by KZC Chapter 115.95 which limits maximum environmental noise levels based on established state standards.

3. How will the City review the removal of trees for the project?

As part of the building permit application, the City will evaluate trees for retention. Retention efforts will focus on viable trees located in required setbacks and landscape buffer areas. The City has requested an arborist report that will be reviewed by the City's Arborist.

4. What is the allowed building height for the project and can you explain the height bonus?

The height of the building is limited to 35 feet above the average building elevation if the structure is at least 30 feet from the northern property line. KZC Section 115.60.2.d allows an additional 5 feet of height if the structure has a peaked roof with a slope that is equal or greater to than three (3) feet vertical to 12 feet horizontal.

5. Does the zoning limit density on the project?

There is no established density limit for multi-family uses on the subject property.

6. Will there be any units available for rent by low income residents?

The applicant is required to provide at least 10 percent of the units as affordable units. The KZC defines affordable units as the following:

- 1. An owner-occupied dwelling unit reserved for occupancy by eligible households and affordable to households whose household annual income does not exceed the following percent of the King County median household income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD), and no more than 30 percent of the monthly household income is paid for monthly housing expenses (mortgage and mortgage insurance, property taxes, property insurance and homeowners' dues):*

Eighty percent [median income] in the CBD 5A, RH, TL, HENC 2, and PLA 5C zoning districts; or One hundred percent [median income] in density limited zoning districts.

- 2. A renter-occupied dwelling unit reserved for occupancy by eligible households and affordable to households whose household annual income does not exceed 50 percent of the King County median household income, adjusted for household size, as determined by HUD, and no more than 30 percent of the monthly household income is paid for monthly housing expenses (rent and an appropriate utility allowance).*

7. What are the parking requirements for the proposed project (The applicant's math for the residential, guest, and commercial parking indicates that the parking does not meet code)?

Based on the submitted traffic report (which includes unit types), the project will be required to provide 175 stalls for residential units, 17 stalls for guest parking and 25 stalls for the commercial use for a total of 217 stalls. The applicant can propose a reduction of the parking requirement by provide bicycle parking (pursuant to KZC Section 105.34) and a shared parking facility (pursuant to KZC Section 105.45). The applicant is proposing these as part of their traffic and parking study and this will be reviewed by the City's Transportation Engineer.

8. Will residents on 131st who paid for sewer be reimbursed?

Sewer assessments are set at the time the sewer project is constructed, and do not change because of zoning changes to the benefitted properties. The value is predetermined based on the total cost of the sewer project divided by the number of properties served. The benefitted properties are all treated equally regardless of zoning.

9. How will the City address construction related impacts (parking, timing, hauling, noise...)?

The City will request a mobilization plan from the contractor performing the work. The plan addresses construction parking and truck hauling routes. The Zoning Code regulates works hours and noise as stated above. Additionally, the contractor will submit traffic control plans for routing vehicles and pedestrians around work in public rights-of-way.

10. How does the project impact schools that are already overcrowded?

The project will be assessed school impact fees as established by the Lake Washington School District (currently \$624 per unit). Pursuant to the Lake Washington School District's latest "Six Year Capital Facilities Plan", the LWSD concludes that new multi-family housing units currently generate an average of 0.066 elementary student, 0.025 middle school student, and 0.018 senior high student for a total of 0.109 school age child per multi-family home. Based on the LWSD's numbers, the project would add a total of around 15 students to local schools.

11. I have had issues with flooding on my property – what are the requirements for surface water runoff?

The project will comply with the 2016 King County Surface Water Manual. Runoff from new impervious surfaces (roofs, roads, etc.) will be collected and conveyed to the City's storm water system.

12. What are the project impacts on solar access of properties to the north?

The applicant has submitted revised plans showing solar impacts to the properties to the north (available [here](#)). The City does not have any regulations regarding solar access and Staff research shows that there are no applicable State laws.

City Comprehensive Plan and 2015 Rezone

13. Does the City plan for police and fire services to keep pace with growth?

While the City would not deny a project based solely on lack of adequate police and fire facilities, it maintains 6-year level of service standards for police and fire services and works diligently to meet these standards. The level of service standard for emergency medical services is a 5-minute response time to 90 percent of all incidents; the standard for fire suppression is a 5.5-minute response time to 90 percent of all incidents. The City uses the Fire Department Strategic Plan, Police Strategic Plan, and the Capital Improvement Program to plan for new police and fire facilities to keep pace with growth and meet established level of service standards.

14. Are parks, open spaces, and children's play areas planned to accommodate the increased population?

The City maintains a level of service goal for capital investment in parks of approximately \$4,000/person, and actively invests in park projects as part of the Capital Improvement Program in order to keep pace with population growth. In addition, planning for parks happens through other means, such as neighborhood plans and private development projects. During the neighborhood plan update process, the community ascertains whether new parks and open space facilities are needed in the neighborhood. If new facilities are identified, the City seeks to ultimately fund construction of these facilities as part of the Capital Improvement Program. In addition, many private development projects include publicly-accessible open space funded entirely by developers. These privately-funded facilities also help the City maintain a supply of parks and open space to serve the growing community.

15. Can the City's utility infrastructure (water, sewer, etc.) accommodate the growth?

The project will be reviewed for impacts to the City's infrastructure and will provide utility upgrades as necessary. The project is required to upgrade the City's water system to address fire flow requirements. The City's sewer system can accommodate the project's needs. Storm water infrastructure will also be evaluated.

16. Will the City be rezoning additional properties to the north to allow subdivision/redevelopment of those properties?

As part of the Rose Hill Neighborhood Plan Update (scheduled for adoption at the end of 2018), the City is collecting zoning requests from the community, and is also identifying targeted areas that are well-served by transit and services where additional growth may be desirable. No decisions on zoning actions have been made as of August 2018, but if you are interested in tracking this rezoning evaluation process, please refer to the Rose Hill Neighborhood Plan Update page: https://www.kirklandwa.gov/depart/planning/Code_Updates/Neighborhood_Planing/RHBT85_Subarea_Plan_Update.htm

17. What are the public noticing requirements for when properties are rezoned (and how do these compare to those in Redmond)?

The City of Kirkland is required to provide notice for rezone proposals at least 14 days prior to the public hearing in these ways:

- *Posting notice on public notice sign boards surrounding the rezone property, on all adjacent streets*
- *Posting notice on the City's website*
- *Publishing notice in the Seattle Times*
- *Posting notice on official notification boards at City Hall*

As a courtesy, Kirkland also sends notice at least 14 days prior to the public hearing to all Kirkland residents/tenants and property owners for properties both in and outside Kirkland's jurisdiction, that are within 300 feet of the property to be rezoned. Notice is also sent to all interested parties that have requested notice or submitted comments. In addition, the City typically conducts other outreach for zoning efforts that extends well beyond mandatory requirements. Other outreach includes attendance at neighborhood association meetings, community workshops, and community events; email and paper newsletters; and surveys.

The City of Redmond is required to provide notice for rezone proposals 21 days prior to the public hearing in these ways:

- *Mailing notice to all property owners and occupants of property within 500 feet of the property to be rezoned, or to 20 property owners and residents/tenants, whichever is greater.*
- *Mailing notice to each person who is a party of record*
- *Publishing notice in newspaper*
- *Posting notice on public sign boards on all street along property frontage to the site on streets surrounding the rezone property*

A change to Kirkland's noticing requirements for rezones would require a Zoning Code text amendment that would be decided upon by the City Council. You may send your request to the [City Council](#). The City Council has discretion to direct staff to put it on the Planning Work Program for future study.

18. Can you explain the 2015 process where the development site was rezoned to RH 8?

Every 8 years the City is required by the State Growth Management Act to undertake a major update of the Kirkland Comprehensive Plan in order to set a

new vision for the City, establish new growth targets for housing and jobs over the next 20 years, address new City policy initiatives and state law, and to respond to the changing conditions of the City.

The timeframe for this major update was 2015-2035 and the City called the project "Kirkland 2035". The 2035 update was a three year long process (2013-2015). Besides updating all General Element and Neighborhood Plan chapters of the Plan, citizens were allowed to request land use and zoning changes on their property during this process - these are called "Citizen Amendment Requests (CARs)". Follow this link to the website for more information about this project, including the CARs:

<https://www.kirklandwa.gov/Residents/Community/Kirkland2035.htm>.

Initially the Planning Commission considered over 30 Citizen Amendment Request (CAR) applications on July 30, 2014, and made a recommendation to City council on which applications should move forward for additional study. In July, the City Council considered the recommendation and approved the final list, which included the Griffis CAR. The Griffis CAR was to change the zoning on his property from low density single family to Rose Hill Business District 8 zone (RH-8), an office zone. (The uses allowed in this zone are listed in the first question.) In September 2014, the Planning Commission scoped the study areas for the CARs and expanded the study area for this rezone to 6 lots from the original two owned by Mr. Griffis.

Public outreach on the project included a Special Comprehensive Plan Update Edition of the City Update newsletter in October 2014, including a section on the CARs with a map showing the location of the CARs and a link to the CAR web page where meeting dates would be posted. In November 2014 property owners and residents within the CAR study areas and property owners within 300 feet of the of the study areas were notified by mail of the CAR studies and directed to the City's web page for meeting dates once they were scheduled. In November 2014, CAR applicants and the project listserv subscribers and neighborhood associations were notified by email of the meeting dates that had since been scheduled. This information was also posted on the City's website dedicated to the 2035 Comprehensive Plan Update project. A City Update newsletter was mailed in June 2015 to all residents and businesses in Kirkland describing the citizen amendment requests and public hearing schedule.

Prior to the Griffis Planning Commission Public, besides required notice, the City sent courtesy notice of hearing to property owners in Kirkland and Redmond and to Kirkland residents/tenants within 300 feet of the study area.

The Griffis CAR review process included a Planning Commission study session (Feb. 26, 2015), public hearing (July 23, 2015), Planning Commission deliberation (September 10, 2015), and City Council study session (Oct. 6, 2015). The City Council concurred with the Planning Commission recommendation to rezone the property subject to conditions (see bulleted list below), and on Dec. 8, 2015, the Griffis CAR was approved by the City Council by Ordinance 4498. The key components of the amendment include:

- *Approve the rezone to allow RH-8 uses in the 6 lot area only if the development is consolidated with lots adjoining NE 85th Street, otherwise limit development to low density residential uses, as are now allowed in the RSX 7.2 zone.*
- *Allow isolated parcels (surrounded on three sides with RH-8 uses) to be developed independently with an office use.*
- *Limit height to 30 feet within 30 feet of the RSX zone, equivalent to the height limit in the low density zone.*
- *Amend the Design Guidelines to require that development that is combined with parcels adjoining NE 85th Street or in the study area, be reviewed by the Design Review Board rather than administratively.*
- *Require affordable housing for a residential development of four or more units.*

The ordinance also changed the land use designation of the site from low density residential to office RH-8 and added text in the NE 85th Street Subarea Plan to support the change.

The rezone in 2015 set the stage for the current proposal by Continental Divide.

19. Does the City coordinate with Redmond for planning and projects?

As part of major development projects, long-range planning efforts, and capital improvement projects that have the potential to impact Redmond, Kirkland staff coordinate with Redmond staff to better understand planned improvements in Redmond, development projects outside jurisdictional boundaries, and issues of concern. In addition, Redmond staff receive notice of environmental review (State Environmental Policy Act) determinations for major projects in Kirkland that could affect Redmond.

20.

Design Review Process

20. Has the City considered the impacts of locating the garbage staging and pick up area adjacent to single family homes to the north?

The proposed garbage area will not be allowed to be located within the required 15 foot buffer area and would be subject to the requirements of KZC Section 115.45 which require solid screening enclosures.

21. What is the process that the Continental Divide will go through (and can we change it)?

The project is subject to approval by the Design Review Board. The applicant has also applied for a building permit which will be reviewed for compliance with the City's Development Code requirements. Due to the size of the project, it is also subject to an environmental (State Environmental Policy Act, or SEPA) review that will look at traffic and other environmental impacts. Both the SEPA Determination and Design Review Board Decision is appealable to the City's

Hearing Examiner. The action of the City in granting or denying any application may be reviewed pursuant to the standards set forth in RCW 36.70C.130 in the King County Superior Court.

The applicant has applied for a building permit and pursuant to State Law, a complete building permit application vests them under current zoning regulations.

22. What is the public notice process for the Continental Divide development process?

The zoning code requires that the City send a Notice of Meeting 14 days prior to the meeting date. The notice is sent to all owners of property within 300 feet of the subject property and published in the Seattle Times, public notice signs are installed on the property and the notice is posted on the City's website. If the Design Review Board continues the first meeting to a specific date, additional public noticing is not required.

23. How will the northern landscape area be designed and what about the outdoor pet area? Can buffer plantings be required?

The required 15 foot landscape buffer is required to meet the requirements of KZC Section 95.42.1 which requires a 6 foot high fence or wall, trees planted at a rate of one per 20 linear feet and large shrubs. The area would need to be maintained in perpetuity. Outside of the 15 feet, the design of the landscape area is subject to review by the Design Review Board.

24. How does the City address the bulk and size of the development in terms of scale and neighborhood fit?

The Design Review Board reviews the project for compliance with the established design guidelines. Within the design guidelines for this area, there are guidelines that look to reduce the architectural scale of the building including through the use of windows, breaking up the building facades to make large buildings appear to be an aggregation of smaller buildings, and the use of façade setbacks.

25. Can the City do anything about the loss of privacy, particularly on the north side of the project with windows and balconies looking into backyards?

At the July 2nd DRB Meeting, the board asked the applicant to look at ways to reduce the number of windows and balconies along the north and west facades.

26. Is there anything that can be done to break up the long building facades – particularly on the north side and 132nd?

The DRB can use the design guidelines to increase modulation along these facades which can help to reduce the impacts of long facades.

Transportation and Traffic Impacts

27. Will you solve the traffic problem before the project is approved?

The City is focused on providing capacity in other corridors to help take pressure off of 132nd Ave NE (I-405 Express Toll Lanes, 124th Ave NE Widening in Totem Lake, I-405 BRT, etc.). Adding more capacity to 132nd Ave NE would result in more north-south vehicle trips being attracted to the corridor during peak times, which would not result in less congestion. Given the development process timeline, the project could be approved within a year; therefore, it is unlikely that those City improvements will be complete prior to the approval of the development project.

28. Regarding the current traffic backup on 132nd Ave at 85th – what can be done to help existing residents get in and out of their neighborhood (right turn lane on 132nd, no blocking of driveways, etc.)?

As it relates to the proposed project, it is not the responsibility for the applicant to mitigate existing conditions nor can the City require the development to mitigate existing conditions. The applicant will be required to build frontage improvements for a 3-lane cross section which will include one travel lane in each direction and a center two-way left-turn lane (TWLTL), with bike lane and sidewalk. The TWLTL will provide a refuge area for vehicles to turn left into and out of the side street to help residents get in and out of their neighborhood. Other developments along 132nd Avenue NE are expected to construct similar frontage improvements. In the future the city would fill in gaps, but currently the City widening project is unfunded. In addition, the City of Redmond is open to discussing a collaborative effort to signalize the intersection of 132nd Avenue NE and NE 100th Street to help access to and from the neighborhood.

29. Won't right-in right-out restrictions at the 132nd project entrance cause residents to use the Pointe driveway to make a u-turn to enter the project?

The current proposal that was presented to the DRB showed two driveways to the below grade parking garage (one from 132nd Avenue NE and the other from 131st Avenue NE). If approved, drivers from the south or east could enter the garage from 131st Avenue NE, eliminating the need to head north on 132nd Avenue NE and turn-around from the Pointe neighborhood to enter the parking garage from 132nd Avenue NE.

30. What review will the City do to ensure the accuracy of the applicant's data in their traffic report?

The applicant is required to hire an outside transportation engineering consultant firm to complete the transportation impact analysis (TIA) report. The data and report are required to meet the City's TIA guidelines. Traffic data were collected by a third-party traffic count firm that meets transportation engineering standards. The data and TIA report will be reviewed by City staff for accuracy.

31. Is there anything that can be done about the current parking problems on 131st from existing businesses, and won't this project just make it worse?

The existing street has no curb and many driveway cuts that limit on-street parking. There are approximately 15 on-street parking spaces on both sides of 131st Avenue NE (5 spaces along the project frontage). On several spot checks during the day, staff found that half of the on-street parking spaces were occupied. Staff needs more clarification and details on this issue to more effectively address the question. However, the development is required to construct frontage improvement (curb, gutter and sidewalk). It is anticipated that approximately four additional on-street parking will be created with the improvement. Some of the on-street parking spaces will be designated as load/unload spaces to provide short-term parking for people to park and drop off or pick up their pets from the pet clinic when parking at the pet clinic is full. Furthermore, the proposed project will be required to provide adequate parking for the proposed uses based on the City's parking code requirements.

32. Can 131st be widened so that existing parking and potential new parking from project residents will not impact emergency response time into the neighborhood?

The project is conditioned to widen 131st to allow for a drive lane and a dedicated parking strip along the new curb and gutter; emergency response will not be impacted by the completed project.

33. It is already difficult for residents living on 131st to exit onto 85th – can the City put a traffic signal there?

Based on preliminary review, the traffic volume to and from 131st Avenue NE does not appear to meet the threshold for installing a traffic signal. Furthermore, the 131st Avenue NE/NE 85th Street intersection is close to the existing traffic signal at NE 85th Street/132nd Avenue NE. Given that peak hour traffic on NE 85th Street often queues back beyond 131st Avenue NE, signaling the 131st Avenue NE/NE 85th Street intersection may have significant impacts on the operation of the NE 85th Street and 132nd Avenue NE intersection, and the NE 85th Street corridor. Staff will require the traffic report to be updated to include a queue and signal warrant analysis for 131st Avenue NE. The traffic analysis will help identify feasible mitigation, if warranted.

34. Where is the proposed vehicular access to the development?

The applicant's proposed access vehicular access points to the development are located off 131st Avenue NE (two locations) and 132nd Avenue NE (one location). No access is allowed from NE 85th Street. The final access points will be determined as part of the traffic review.

35. Since 131st is a narrow dead-end road and turnarounds are already a problem, how can we prevent the situation from becoming worse with all of the new traffic from the project?

Since 131st Avenue NE is a dead-end road, it is not anticipated that there will be more traffic beyond the project driveway. Increased traffic from the proposed development will have an impact along the frontage of the project site and the intersection of NE 85th Street and 131st Avenue NE. Based on the traffic report submitted for staff review, it is forecasted that 33 AM peak hour and 51 PM peak hour trips will impact 131st Avenue NE. In the process of reviewing the traffic study, staff will evaluate the possibility of providing a turn-around in the proximity of the project's northern driveway. Traffic safety considerations will determine if a turn-around will be feasible.

36. Are there plans to open the 130th Avenue NE right-of-way between NE 87th and NE 94th Street?

The Continental Divide project does not trigger the opening of this street segment. Any consideration of a future street connection project along 130th Avenue NE between NE 87th and NE 94th St would be triggered with development of the parcel(s) adjacent to 130th Avenue NE and none is currently under review.

The City is starting a process to identify potential street connections throughout the City. That process is being led by and John Starbard, Interim Deputy Director of Public Works (jstarbard@kirklandwa.gov). Future changes to the potential street connections list originally identified in 2003 and carried forward to the draft Rose Hill Plan will be the result of this City-wide project, not the Rose Hill Neighborhood Plan update.

37. What is planned to enhance public transit in the area (buses, BRT) downstream of the project site?

The City is focused on providing transportation capacity in other corridors to help take pressure off of 132nd Ave NE (I-405 Express Toll Lanes, 124th Ave NE Widening in Totem Lake, I-405 BRT, etc.).

The Metro 248 bus (the current route on 85th/Redmond Way) operates on a half hour headway seven days a week. It connects to the Avondale Rd corridor, Downtown Redmond Transit Center and Downtown Kirkland Transit Center. Metro Connects shows a future Frequent service on NE 85th St which would connect to Link light rail in Redmond and I-405 Bus Rapid Transit in Kirkland. Service would be very direct and would come every 15 minutes.

38. Has the traffic analysis addressed project impacts in conjunction with the City Church traffic operations?

The submitted traffic study did not evaluate traffic on Sunday when the City Church has the worst traffic impact. Staff will request the applicant's traffic engineer to evaluate Sunday conditions. However, the City cannot require the applicant to mitigate the traffic situation at the City Church.

39. How will move-in and move out loading be handled?

The internal parking plaza does not have sufficient turn-around for a typical move-in truck or a single-unit U-Haul type of truck. Therefore, it is anticipated that moving trucks will park along the project frontage on 131st Avenue NE to load and unload. On-street parking will be required along the frontage where trucks can park to load and unload. It may be necessary sign some of the on-street parking on 131st Ave NE as a loading zone during certain hours to accommodate moving trucks and deliveries. Staff will evaluate the project and will recommend conditions for load/unloading.

Other Comments

In addition to the more specific questions noted above, the following general comments and concerns have also been provided. Brief responses are provided.

40. Security of adjacent homes and development.

Staff is not aware of data that would indicate that this type of mixed use development adversely affects the security of adjoining neighborhoods. In general, developed sites pose fewer security concerns than vacant properties.

41. Impact on quality of life in neighborhood.

The project will impact and change the neighborhood. The City does not have a metric for quality of life, but regulations and project-related environmental review can help residents understand and evaluate that change. The project would be expected to provide more housing near a major transit route, allowing people to live in Kirkland with reduced automobile reliance.

42. Impacts on property values.

Staff is not aware of data that would indicate that this type of mixed use development affects the value of properties one way or the other.

43. There may not be demand for rental units given that the Seattle rental market has cooled.

While the local rental market appears to be softening after many years of robust price increases, there is general consensus that there is insufficient housing in the region to accommodate the growing workforce. If the construction of additional apartment units exerts downward pressure on housing costs, that would be considered beneficial to the many households in the region who have trouble paying for living expenses.

Staff Contacts for Follow Up Questions

If you have any additional questions about the project or the permitting, the following contact information will help you direct your questions to staff:

- Zoning, Design Review, and Project Permitting: Tony Leavitt, 425.587.3229, tleavitt@kirklandwa.gov
- Traffic: Thang Nguyen, 425.587.386, tnguyen@kirklandwa.gov
- Comprehensive Plan and Neighborhood Plan Update: Joan Lieberman-Brill, 425.587.3254, JLiebermanBrill@kirklandwa.gov